

CHAPTER 13 CIVIL FINES UNDER D.C. LAW 6-100

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1300 GENERAL PROVISIONS

1300.1 The provisions of this chapter shall apply to violations of laws, rules, or regulations set forth in D.C. Law 6-100, the Litter Control Administration Act of 1985, effective March 25, 1986.

1300.2 The following District government agency officials or their delegates shall be empowered to issue the Notice of Violation, also referred to as a "ticket," to persons who violate any provisions set forth in D.C. Law 6-100, the "Litter Control Administration Act of 1985," as amended:

- (a) The Director of the Department of Public Works; and
- (b) The Chief of Police of the Metropolitan Police Department.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub.L. No. 93-198, D.C. Code §1-227(a); Reorganization Plan No. 4 of 1983, 30 DCR 6428, effective March 2, 1984; §11 of the Litter Control Administration Act of 1985, D.C. Law 6-100, D.C. Code §6-2901 *et seq.* (1981).

SOURCE: Final Rulemaking published at 34 DCR 7807 (December 4, 1987); as amended by Final Rulemaking published at 36 DCMR 1099 (February 3, 1989).

1301 NOTICE OF VIOLATION

- 1301.1 A Notice of Violation, also referred to as a "ticket," shall be in the form prescribed by the Director of the Department of Public Works (the "Director") and shall be issued for abatement infractions and non-abatement infractions.
- 1301.2 A Notice of Violation shall inform the respondent how to answer the Notice and shall warn the respondent of the consequences resulting from failure to answer in the manner and time provided.
- 1301.3 A Notice of Violation shall constitute *prima facie* evidence of the statements contained in the Notice.
- 1301.4 The signature of an issuing agent on a Notice of Violation shall be evidence of the validity of the issuance of the Notice.
- 1301.5 Each incident of prohibited conduct shall constitute a separate violation subject to the prescribed penalty. Thus, for example, each piece of paper posted on each trash receptacle in public space constitutes a separate violation, each vehicle trailing debris in public space is a separate violation.
- 1301.6 Whenever a Notice of Violation is issued as a result of an observation by an independent third party, the Department of Public Works (the "Department") shall obtain the signed verification of that person, who shall be of suitable age and discretion, stating that on or before the date and time indicated on the Notice, such person observed the condition(s) giving rise to the issuance of the Notice. The statement shall become a part of the record of each Notice so issued by the Department.
- 1301.7 Whenever the signed verification of an independent third party described in §1301.6 is solicited or obtained, the person shall be advised in writing of the following:
- (a) That his or her statement is voluntary;
 - (b) That it is intended to provide an independent source of verification of the violation resulting in a Notice;
 - (c) That in the event a hearing is requested, the person shall be asked to submit a notarized statement setting forth his or her observations or the circumstances under which the verification was signed; and
 - (d) That the person may be asked to appear at any such hearing held on the matter.

SOURCE: Final Rulemaking published at 34 DCR 7807 (December 4, 1987).

1302 NOTICE OF VIOLATION FOR AN ABATEMENT INFRACTION

- 1302.1 A Notice of Violation for an abatement infraction shall be served by the Mayor or his or her designated agent in the manner prescribed in §1305 and shall require reinspection by the Department to verify abatement as prescribed in §1314.
- 1302.2 If abatement is not accomplished by the respondent, District forces shall abate and charge the respondent up to twice the cost of the abatement action.
- 1302.3 This section shall not apply to conditions considered by the Director or his or her designated agent to be public emergencies pursuant to §1304.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7809 (December 4, 1987).

1303 NOTICE OF VIOLATION FOR A NON-ABATEMENT INFRACTION

- 1303.1 A Notice of Violation for a non-abatement infraction shall be served by the Mayor or his or her designated agent in the manner prescribed in §1305.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7809 (December 4, 1987).

1304 PUBLIC EMERGENCIES

- 1304.1 The Department shall conspicuously post a Notice of Public Emergency on the property identifying the conditions or circumstances which are deemed to constitute a public emergency.
- 1304.2 Public emergency violations shall be abated immediately after initial identification as an emergency condition by the Department.
- 1304.3 Twice the District's cost of abating the public emergency condition may be assessed against the owner's property tax in accordance with §8(d) of D.C. Law 6-100, the "Litter Control Administration Act of 1985" (D.C. Code §6-2901 *et seq.*).
- 1304.4 A Notice of Violation shall be served on the last owner of record for the property in question within twenty-four (24) hours of the abatement of the emergency condition by the Department.
- 1304.5 The respondent to whom the Notice is served in accordance with this section shall be entitled to an administrative hearing in accordance with §1309.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7809 (December 4, 1987).

1305 SERVICE OF THE NOTICE OF VIOLATION

- 1305.1 The Notice of Violation shall be served on the violator, the owner, the owner's authorized agent; the building superintendent, the operator of equipment, or other responsible individual at the premises by means of personal service, certified mail, or conspicuous posting.

- 1305.2 If the respondent refuses to accept a Notice of Violation which is personally served, then the Department shall serve the notice by certified mail.
- 1305.3 If the respondent refuses to accept a Notice of Violation which is served by certified mail, or is no longer at the last known address as shown on the tax records of the Department of Finance and Revenue and no forwarding address is available, then the Notice shall be considered to have been served on the date the return receipt bearing the notification is received by the Department of Public Works.
- 1305.4 Upon request of the respondent, or his or her attorney or authorized agent, the Department shall provide a copy of the ticket issued to the respondent in a manner and at a cost established by the Director.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7810 (December 4, 1987).

1306 ANSWERS TO THE NOTICE OF VIOLATION

- 1306.1 Failure to answer the Notice of Violation within fourteen (14) calendar days of the date that the Notice of Violation issued shall result in additional penalties.
- 1306.2 In response to a Notice of Violation, a respondent may do one of the following:
- (a) Admit the violation;
 - (b) Admit the violation, but with an explanation; or
 - (c) Deny the violation
- 1306.3 An answer of "Admit" shall constitute the respondent's acknowledgement and acceptance of liability for the condition(s) resulting in the issuance of a Notice of Violation
- 1306.4 For a Notice of Violation for an abatement infraction, an answer of "Admit" shall also certify that the respondent has abated the condition(s) cited on the Notice.
- 1306.5 An answer shall be made by marking the appropriate box(es) in the answer form provided on the back of the Notice of Violation and remitting it by mail or personally to the Department at a location and within the time frame prescribed on the Notice.
- 1306.6 An answer of "Deny" or "Admit With Explanation" shall constitute the respondent's request for a hearing and shall be made in accordance with this section.
- 1306.7 Failure to answer the Notice of Violation within the time prescribed on the Notice shall result in the imposition of an additional penalty equal to the amount of the original civil fine.
- 1306.8 If a person to whom a Notice of Violation has been issued fails to respond or satisfy in full the terms of the Notice within the time prescribed on the Notice, the

Hearing Examiner may enter a judgement by default sustaining the charges, fixing the appropriate fine and assessing the appropriate penalties.

- 1306.9 Before a default judgement is entered, the Department shall notify the respondent by regular mail that a Notice of Violation is outstanding, and that a default judgement is pending unless an answer is made within fourteen (14) days of the Notice. The Notice shall be mailed to the respondent's last recorded address.
- 1306.10 A default judgement entered in accordance with this section may be vacated upon written application to the Director or his or her designee. The application shall include a reason explaining why an answer could not be made in a timely fashion, and a defense to the violation(s) cited on the original Notice(s).

SOURCE: Final Rulemaking published at 34 DCR 7807, 7811 (December 4, 1987); as amended by Final Rulemaking published at 37 DCR 6055 (September 14, 1990).

1307 SCHEDULING OF HEARINGS

- 1307.1 If a Notice of Violation is answered with a response of "Deny" or "Admit with Explanation," and the presence of the issuing agent is not requested by either the respondent or the Department, an immediate hearing may be conducted by appearing at the location described on the Notice within the time prescribed on the Notice.
- 1307.2 A hearing shall be scheduled for a specific date and time when the presence of the issuing agent or independent third party is requested by either the respondent of the Department.
- 1307.3 The date, time, and place of the scheduled hearing may be changed by the Department so long as the respondent receives notice of the change no less than three (3) days prior to the original hearing date.
- 1307.4 The Director, at his or her discretion, may set additional or alternate times and days for hearings to meet the needs of the Department.
- 1307.5 Failure of a respondent to appear at a previously scheduled hearing without good cause or a duly granted continuance shall result in the imposition of a penalty equal to twice the amount of the original civil fine.
- 1307.6 If a respondent fails to appear at a scheduled hearing, without good cause or a duly granted continuance, the Hearing Examiner may enter a judgement by default sustaining the charges, fixing the appropriate fine and assessing the appropriate penalties pending the posting of any and all abatement costs incurred by the Department.
- 1307.7 Failure to comply with the sanctions imposed by the Hearing Examiner shall result in the entry of a judgement by default.
- 1307.8 A default judgement entered in accordance with this section may be vacated upon written application to the Director or his or her designee. The application shall include a reason explaining why the respondent failed to appear at the scheduled

hearing or failed to comply with the sanctions imposed by the Hearing Examiner, and a defense to the violation(s) cited on the original Notice(s).

SOURCE: Final Rulemaking published at 34 DCR 7807, 7812 (December 4, 1987).

1308 LEGAL RIGHTS AT A HEARING

1308.1 A respondent entitled to a hearing shall have the following rights:

- (a) To be represented by counsel;
- (b) To present all relevant evidence by means of witnesses, photographs, papers, and other documents;
- (c) To examine all opposing witnesses on any matter relevant to the issue;
- (d) To have a subpoena issued to compel the attendance of witnesses and the production of relevant photographs, papers, and other documents upon written request for the subpoena to the Chief Hearing Examiner; and
- (e) To be represented by an authorized representative.

1308.2 If the respondent believes the Hearing Examiner assigned to conduct the hearing is prejudiced against the respondent or his or her representative, the respondent shall request a new hearing in writing to the Chief, Office of Public Space Adjudication, within forty-eight (48) hours of service of the initial disposition of the violation(s).

1308.3 The request shall be accompanied by an affidavit signed by the respondent setting forth the facts upon which the claim of prejudice is predicated.

1308.4 Upon receipt of the request, the Chief Hearing Examiner, or if there is none, the Chief, Office of Public Space Adjudication, shall determine, based upon the evidence, whether the rights of the respondent have been prejudiced and, if so, the Chief Hearing Examiner shall appoint a new Hearing Examiner and schedule a new hearing.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7814 (December 4, 1987).

1309 HEARINGS

1309.1 All hearings shall be open to the public.

1309.2 Hearings shall be held at the location indicated on the Notice of Violation; Provided, that the Director, at his or her discretion, may establish other permanent or temporary hearing locations.

1309.3 The Hearing Examiner shall ensure that the hearing is conducted in an orderly manner and shall have the authority to exclude any respondent or other person

from the hearing on the grounds of substantial interference with, or obstruction of, an orderly hearing process.

- 1309.4 The Department may consolidate for hearing or appeal any and all matters within its jurisdiction pending against a respondent.
- 1309.5 The Rules of Civil Procedure and the Rules of Criminal Procedure for the Superior Court of the District of Columbia are not binding under the provisions of D.C. Law 6-100, the "Litter Control Administration Act of 1985" (D.C. Code §6-2901 *et seq.*).
- 1309.6 All testimony shall be given under oath or affirmation administered by the Hearing Examiner.
- 1309.7 The burden of proof shall be on the District.
- 1309.8 The standard of proof shall be a preponderance of evidence.
- 1309.9 Hearings shall be recorded and shall be available for transcription upon the request of any party in accordance with the provisions of §1316 of this chapter.
- 1309.10 The order in which evidence and allegations shall be presented shall be within the discretion of the Hearing Examiner.
- 1309.11 Examiners assigned to render a decision in any proceedings under this chapter shall not communicate, directly or indirectly, with any person involved in, or a party to, such proceedings except upon notice and opportunity for all parties to participate.
- 1309.12 If any person refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness, refuses to be examined, or refuses to obey any lawful order of the Hearing, the Hearing Examiner may apply to the Superior Court of the District of Columbia for an order requiring compliance.
- 1309.13 The Hearing Examiner shall follow the general rules of evidence applicable to administrative hearings under the District of Columbia Administrative Procedure Act, P.L. 90-614 (D.C. Code §1-1501 *et seq.* (1981)).

SOURCE: Final Rulemaking published at 34 DCR 7807, 7814 (December 4, 1987).

1310 HEARING EXAMINERS

- 1310.1 Any hearing required by D.C. Law 6-100, the "Litter Control Administration Act of 1985" (D.C. Code §6-2901 *et seq.*) or this chapter shall be held before a Hearing Examiner or the Chief, Office of Public Space Adjudication. No other person shall have the authority to adjudicate the solid waste or public space violations specified by the "Litter Control Administration Act of 1985" or to dismiss a Notice that has been returned to the Department.
- 1310.2 A Hearing Examiner shall have the following powers, in addition to any other powers specified in this chapter:

- (a) To give appropriate notices;
- (b) To administer oaths and affirmations;
- (c) To examine witnesses and to take testimony;
- (d) To request the Superior Court of the District of Columbia to issue subpoena;
- (e) To permit depositions or interrogatories;
- (f) To rule upon offers of proof and to receive relevant evidence;
- (g) To regulate the course and conduct of hearings;
- (h) To hold conferences before, during, or after a hearing to settle or simplify issues;
- (i) To make final determinations as provided herein or by law;
- (j) To take any other action authorized by this chapter, the Administrative Procedure Act, or by any other applicable statute, rule or regulation;
- (k) Upon application, to reopen the record to receive additional evidence; and
- (l) To review charges for abatement activities performed by the Mayor.

1310 3 A Hearing Examiner shall not hear any case in which he or she has any interest with either a party or the matter pending.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7816 (December 4, 1987); as amended by Final Rulemaking published at 36 DCMR 1099, 1100 (February 3, 1989).

1311 FINAL DETERMINATIONS

1311.1 The Hearing Examiner's final determination following the hearing shall contain the following:

- (a) A statement of proposed findings of fact and conclusions of law;
- (b) A statement that these findings and conclusions shall become final unless a petition to appeal is received within fifteen (15) days of the service of the Hearing Examiner's decision;
- (c) A statement of respondent's right to appeal; and
- (d) One or more of the civil sanctions authorized in §8 of D.C. Law 6-100, the Litter Control Administration of 1985 (D.C. Code §6-2901 *et seq.* (1981)).

1311.2 The final determination shall include specific findings on each issue of fact and shall be based upon reliable, probative, and substantive evidence. Mere conclusory

assertions or summaries of evidence shall not constitute a sufficient basis for findings of fact within the meaning of this section.

- 1311.3 The final determination of the Hearing Examiner shall be based upon consideration of the entire record of the proceeding, and no evidence, information, or other knowledge, except that of which official notice is taken, shall be considered.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7817 (December 4, 1987).

1312 PAYMENT OF CIVIL SANCTIONS

- 1312.1 Upon a determination of liability, one or more of the following civil sanctions shall be imposed by the Hearing Examiner:

- (a) Monetary fines and penalties;
- (b) Abatement of the nuisance; and
- (c) Alternate community service, if requested by the respondent.

- 1312.2 Upon a determination of liability, a Hearing Examiner may temporarily suspend or modify penalties or abatement costs; but in no event shall the Hearing Examiner reduce the amount of the original fine.

- 1312.3 Checks or money orders shall be made payable to "D.C. Treasurer."

- 1312.4 Certified checks or cash shall be required for payments exceeding two hundred dollars (\$200).

- 1312.5 If any check or other instrument offered to make any payment due is dishonored, the respondent shall be responsible for any fees established by the Department of Finance and Revenue, in addition to all monies owed the District calculated from the original date of service of the Notice of Violation.

- 1312.6 The Director may approve the use of credit cards for the payment of fines, penalties, fees, or other monies. The respondent shall bear the cost of any fees incurred by the Department for the processing of credit card payments.

- 1312.7 An interest charge in the amount of one and one-half percent (1½%) per month, or portion of a month, shall be added to the sum total of outstanding fines, penalties, and abatement charges and shall start to accrue thirty (30) days from the date that the final notice requesting payment is mailed to the respondent.

- 1312.8 If any outstanding fines, penalties, and abatement charges are collected by a private agency, the respondent is responsible for any additional costs associated with the use of that agency.

- 1312.9 A respondent found liable for one or more violations shall have the option of performing a specific number of hours of alternate community service in lieu of payment of the assigned civil fines and penalties, provided service is requested

within seven (7) days of service of the Hearing Examiner's determination. The amount of service shall be the rate (s) prescribed in the schedule of fines.

- 1312.10 The dates of alternate community service shall be assigned at the time that service is requested by the respondent.
- 1312.11 Upon a respondent's failure to perform the alternate community service in accordance with the terms and conditions specified in the Hearing Examiner's determination, the right to perform the alternate community service shall terminate, and the total amount of assessed fines, penalties, and charges shall become due.
- 1312.12 A Hearing Examiner may require the respondent to abate any nuisance in accordance with the Notice of Violation and within a given time frame.
- 1312.13 The procedures for reinspection of the condition or premises shall be those established in accordance with §1314.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7818 (December 4, 1987); as amended by Final Rulemaking published at 36 DCR 1099, 1100 (February 3, 1989); and by Final Rulemaking published at 37 DCR 6055, 6056 (September 14, 1990).

1313 LIENS AGAINST PROPERTY AND TAX SALES

- 1313.1 The District shall have a continuing lien upon any land and the improvements on the land to which fines or penalties have been imposed pursuant to D.C. Law 6-100, the "Litter Control Administration Act of 1985" (D.C. Code §6-2901 *et seq.* (1981)).
- 1313.2 The lien shall have priority over all other liens except liens for District taxes and District water and sewer charges.
- 1313.3 If any civil fines, penalties, interest or costs shall remain unpaid after the end of six (6) months after the date of the final notice for the charges, then the subject property may be sold for the unpaid civil fines, penalties, and costs at the next tax sale in the same manner and under the same conditions as property sold for delinquent general taxes.
- 1313.4 For the purposes of any property sold pursuant to the provisions of §1313.3 of this chapter, the redemption period shall be six (6) months.
- 1313.5 The proceeds of the sale shall be credited to the General Fund of the District of Columbia.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7820 (December 4, 1987); as amended by Final Rulemaking published at 37 DCR 6055, 6056 (September 14, 1990).

1314 REINSPECTION

- 1314.1 A respondent to whom a Notice of Violation is issued for an abatement infraction shall notify the Department within twenty-four (24) hours of abating the condition to ensure proper reinspection.
- 1314.2 Reinspection of a condition, nuisance or premises for which a Notice of Violation has been issued shall be for the purposes of assessing and verifying the required abatement.
- 1314.3 When reinspection of the conditions, nuisance, or premises demonstrates compliance, and all outstanding fines and penalties have been paid pursuant to §1312, the case shall be closed.
- 1314.4 When reinspection demonstrates that the conditions, nuisance, or premises have not been abated as required, the Mayor shall abate the nuisance and charge against the property, in addition to all outstanding fines and penalties, upon to double the cost and expense incurred by the Mayor in abating the nuisance and preventing a recurrence of the violation.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7821 (December 4, 1987).

1315 APPEALS

- 1315.1 Appeals shall be from final determinations as described in §1311 and shall be made within fifteen (15) days of service of the final decision of the Hearing Examiner.
- 1315.2 All appeals shall be made to the Board of Appeals and Review and shall be governed by the regulations set forth in chapter 5 of DCMR Title 1, Mayor and Executive Agencies.
- 1315.3 A final determination of liability and the amount and the type of sanctions imposed may be appealed in cases where an answer of "Deny" was entered at the hearing.
- 1315.4 Where an answer of "Admit with Explanation" was entered at a hearing, the scope of the appeal shall be limited to the validity and propriety of the sanctions imposed.
- 1315.5 A non-refundable appeal of ten dollars (\$10.00) shall be paid at the time of filing the appeal.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7821 (December 4, 1987); as amended by Final Rulemaking published at 37 DCR 6055, 6056 (September 14, 1990).

1316 TRANSCRIPTS OF HEARINGS

- 1316.1 Transcripts of the hearing proceedings may be ordered through the Department of Public Works on a form prescribed for that purpose by the Director.

- 1316.2 The costs for transcript(s) of the hearing record shall be borne by the respondent.
- 1316.3 Fees for transcripts shall be at a rate set by the Director.
- 1316.4 Transcripts may be ordered upon payment of a deposit, the amount of which shall be set by the Director.
- 1316.5 When the cost of the transcript has been determined to be less than the amount of the transcript deposit, the amount by which the deposit exceed the cost of the transcript shall be refunded.
- 1316.6 When the cost of the transcript is determined to exceed the amount of the transcript deposit, the respondent shall be notified in writing of the balance due for preparing the transcript. The balance due shall be paid within fifteen (15) days of notification.
- 1316.7 If the respondent fails to make a payment when due as required by this section or if any check offered to make payment is dishonored, the request for the transcript shall be dismissed, and the deposit shall not be refunded.
- 1316.8 Changes in the official transcript shall be made only when the transcript involves errors of substance.
- 1316.9 A motion to correct a transcript shall be filed with the Chief Hearing Examiner and the other party within ten (10) days after receipt of the transcript by a party.
- 1316.10 If no objections to the motion are filed within ten (10) days after the filing of the motion, the transcript may, upon the approval of the Chief Hearing Examiner, be changed to reflect the corrections.
- 1316.11 If objections to a motion to correct a transcript are received, the motion and objection shall be submitted to the reporter or transcriber by the Chief Hearing Examiner with a request to compare the transcript with the stenographic or other record of the hearing.
- 1316.12 After receipt of the transcriber's report, an order shall be entered by the Chief Hearing Examiner settling the record and ruling on the motion.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7822 (December 4, 1987); as amended by Final Rulemaking published at 37 DCR 6055, 6057 (September 14, 1990).

1317 PROCEEDINGS BY MAIL

- 1317.1 In cases where a respondent shows good cause for not scheduling and attending a hearing, personally or through a representative, the Director or his or her designee may permit the matter to be adjudicated by mail.
- 1317.2 Letters, memoranda, affidavits, photographs, or other documentary materials shall be acceptable for the purposes of adjudication by mail.

- 1317.3 The Director or his or her designee may exclude from consideration any material which is not relevant to the adjudication of the alleged violation.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7823 (December 4, 1987).

1318 COMPUTATION OF TIME

- 1318.1 In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included.
- 1318.2 The last day of a period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday.
- 1318.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.
- 1318.4 Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time the time fixed or the period of time prescribed may, for good cause shown, be extended or shortened by the Director with notice to all parties.

SOURCE: Final Rulemaking published at 34 DCR 7807, 7824 (December 4, 1987).

1319 - 1379 [RESERVED]

1380 SCHEDULE OF FINES FOR VIOLATIONS OF THE LITTER CONTROL ADMINISTRATION ACT

- 1380.1 The following civil infractions and their respective fines set forth in this subsection shall refer to residential violations:

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Construction waste			
Out for collection (21 DCMR §702.3)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Dangerous obstructions			
In public space without a permit (24 DCMR §2000.4)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100

1380.1 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Failure to			
Containerize leaves (21 DCMR §703.2)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Maintain abutting public space in clean condition (21 DCMR §702.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Maintain the public parking (24 DCMR §102.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Properly protect public space when travel is obstructed (24 DCMR §2001.4)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Securely fasten solid waste container (24 DCMR §708.9)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Household hazardous wastes			
Out for collection (21 DCMR §705.6)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Illegal deposits			
In alleys (24 DCMR §1000.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Illegal plastic bags			
(21 DCMR §709.10)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Improper container			
Capacity (21 DCMR §708.7)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100

1380.1 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>	
Improper container (Continued)				
Contents cannot be removed (21 DCMR §708.6)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Materials (21 DCMR §708.4)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Improper disposal of				
Bulky waste (21 DCMR §706.1)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Container(s) capable of confining children (24 DCMR §2010.1)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Improper solid waste container(s) At point of collection (21 DCMR §708.11(a-c))	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Improper watertight containers With tight-fitting lids (21 DCMR §708.5)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Improperly enclosing Public parking (24 DCMR §103.1)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Insufficient number of Solid waste containers (21 DCMR §707.3)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Kitchen waste Grinders (21 DCMR §704.4)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100

1380.1 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Leaves on			
Public space (21 DCMR §703.3)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Obstructing			
Free use of public space - overgrowth of shrubs, trees bushes (24 DCMR §2001.3)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Public space without a permit (24 DCMR §2001.2)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Overweight			
Containers (21 DCMR §708.8)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Conventional container(s) (21 DCMR §708.8)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Supercan(s) (21 DCMR §708.11 (d))	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Rat harborage (21 DCMR §700.3)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Solid waste			
In alleys, streets, public places (21 DCMR §700.4)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Solid waste containers			
Not properly bundled (21 DCMR §705.7)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Out for collection at the wrong time or place (21 DCMR §705.7)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100

1380.1 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>	
Solid waste containers (Continued)				
Unclean or damaged (21 DCMR §707.4)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100
Vehicle on public space				
Without a permit (24 DCMR §101.5)	YES	\$ 35	1st violation within 60-day period	8
		70	2nd violation within a 60-day period	16
		140	3rd violation within a 60-day period	32
		1,000	4th violation within a 60-day period	100

1380.2 The following civil infractions and their respective fines set forth in this subsection shall refer to commercial violations:

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>	
Advertising device				
On a sidewalk (21 DCMR §104.9)	YES	\$ 75	1st violation within 60-day period	16
		150	2nd violation within a 60-day period	32
		300	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200
Dangerous obstructions				
In public space without a permit (24 DCMR §2000.4)	YES	\$ 300	1st violation within 60-day period	16
		600	2nd violation within a 60-day period	32
		900	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200
Failure to				
Containerize leaves (21 DCMR §703.2)	YES	\$ 75	1st violation within 60-day period	16
		150	2nd violation within a 60-day period	32
		300	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200
Maintain abutting public space in clean condition (21 DCMR §702.1)	YES	\$ 75	1st violation within 60-day period	16
		140	2nd violation within a 60-day period	32
		300	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200
Maintain the public parking (24 DCMR §102.1)	YES	\$ 75	1st violation within 60-day period	16
		150	2nd violation within a 60-day period	32
		300	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200
Household hazardous wastes				
Out for collection (21 DCMR §705.6)	YES	\$ 75	1st violation within 60-day period	16
		150	2nd violation within a 60-day period	32
		300	3rd violation within a 60-day period	64
		2,000	4th violation within a 60-day period	200

1380.2 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Improper Solid waste container(s) (21 DCMR §707.1)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Storage of solid waste (21 DCMR §700.3)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Improper disposal of Container(s) capable of confining children (24 DCMR §2010.1)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Insufficient number of Solid waste containers (21 DCMR §707.3)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Insufficient solid waste collections (21 DCMR §705.2)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Obstructing Free use of public space - overgrowth of shrubs, trees, bushes (24 DCMR §2001.3)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Public space without a permit (24 DCMR §2001.2)	YES	\$ 300	16
Open food waste Stored for collection (21 DCMR §704.2)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Overweight Conventional container(s) (24 DCMR §708.8)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200
Rat harborage (21 DCMR §700.3)	YES	\$ 75 1st violation within 60-day period 150 2nd violation within a 60-day period 300 3rd violation within a 60-day period 2,000 4th violation within a 60-day period	16 32 64 200

1380.3 The following civil infractions and their respective fines set forth in this subsection shall refer to general violations:

<u>INFRACTION DCMR Citation)</u>	<u>ABATEMENT VIOLATION</u>	<u>FINE AMOUNT</u>	<u>SERVICE HOURS</u>
Approval label lacking (21 DCMR §806.23)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Container(s) Cleaning equipment lacking (21 DCMR §806.3)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Improper lids (21 DCMR §806.18)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Improperly construed (21 DCMR §806.17)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Improperly stored (21 DCMR §806.9)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Incompatable (21 DCMR §806.15)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Insufficient capacity (21 DCMR §806.7)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Lacks collector's name, phone number, capacity (21 DCMR §806.24)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Uncleaned or damaged (21 DCMR §707.4)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Unpainted (21 DCMR §§806.20 & 806.21)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Unsafe or inaccessible to tenants (21 DCMR §806.16)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100

1380.3 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Container(s) (Continued)			
Unsafe collection area (21 DCMR §806.13)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Unsafe storage area (21 DCMR §806.12)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Unscreened (21 DCMR §806.11)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Damaging			
Public litter receptable(s) (24 DCMR §1009.2)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Debris drained			
Into storm sewer (21 DCMR §806.5)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Depositing			
Handbills or other advertising de- vices on public space (24 DCMR §1008.1)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Drainage system			
Not safe or clean (21 DCMR §806.6)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Failure to			
Remove animal excrement from the public space (24 DCMR §900.7)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Improper			
Cleaning area or method (21 DCMR §806.4)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100

1380.3 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Improper (Continued)			
Use of public receptable(s) (24 DCMR §1009.1)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Improperly collected			
Dead animals and decayed fish, meat, or vegetable products (21 DCMR §706.3)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Inadequate or lacking			
Food grinder (21 DCMR §704.3)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Leaves on			
Public space (21 DCMR §703.3)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Littering			
(21 DCMR §700.4)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Nuisance or unsightly space			
(21 DCMR §806.10)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Posting notices			
On D.C. property (21 DCMR §701.1)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Posting signs, posters or placard			
On trees in public space (24 DCMR §108.2)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100
Rat harborage			
(21 DCMR §700.3)	YES	\$ 35 1st violation within 60-day period	8
		70 2nd violation within a 60-day period	16
		140 3rd violation within a 60-day period	32
		1,000 4th violation within a 60-day period	100

1380.3 (Continued)

<u>INFRACTION</u> <u>DCMR Citation)</u>	<u>ABATEMENT</u> <u>VIOLATION</u>	<u>FINE</u> <u>AMOUNT</u>	<u>SERVICE</u> <u>HOURS</u>
Solid waste			
On public space (21 DCMR §702.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Uncollected (21 DCMR §705.2)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Solid waste collector			
No license (21 DCMR §705.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Spillage from			
Solid waste containers (21 DCMR §705.3)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Symbol of			
Compliance lacking (21 DCMR §707.2)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Trailing mud, earth, rocks, etc.			
On to public space (24 DCMR §1000.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Unapproved storage or collection area			
(21 DCMR §806.14)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100
Unsafe, unclean or non- order-free containerization system			
(21 DCMR §806.1)	YES	\$ 35 1st violation within 60-day period 70 2nd violation within a 60-day period 140 3rd violation within a 60-day period 1,000 4th violation within a 60-day period	8 16 32 100

SOURCE: Section 2 of the Litter Control Fine Increase Amendment Act of 1995, D.C. Law 11-13, 42 DCR 1268 (March 17, 1995).

1399 DEFINITIONS

1399.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Abatement Infractions - all residential, commercial and general violations for which abatement of the alleged nuisance is necessary or required before the case can be closed.

Commercial Violations - describes those code infractions committed by or at any establishment that does not receive District solid waste collection service.

Fine Amount - the monetary sanction assigned to the violation.

General Violations - describes those code infractions committed by any person(s) within the boundaries of the District of Columbia who at the time of the violation is not then associated with any particular residence or commercial establishment.

Legal Holiday - any holiday observed by the Government of the District of Columbia.

Non-Abatement Infraction - all residential, commercial and general violations for which abatement of the alleged nuisance is not required.

Public Emergency - for the purposes of this chapter a public emergency shall be defined as any situation where the health safety, property, or welfare of persons or property in the District of Columbia is or maybe threatened.

Residential Violations - describes those code infractions committed by or at any establishment which receives District solid waste collection service (residential buildings containing three (3) or fewer dwelling units).

Respondent - the party to whom the Notice of Violation is issued pursuant to the provisions of §4(c)(2) of the Litter Control Administration Act of 1985 (D.C. Law 6-100, D.C. Code §6-2903(c)(2) (1989 Repl.)), as amended. [37 DCR 6057]

Service Hours - the number of hours of alternate community service required to satisfy the violation, if requested by the respondent.

SOURCE: Final Rulemaking published at 34 DCMR 7807, 7828 (December 4, 1987); as amended by Final Rulemaking published at 37 DCR 6057 (September 14, 1990).

